

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TERA A. McMILLAN

Plaintiff

v.

**ALABAMA DEPARTMENT OF
YOUTH SERVICES, et al.,**

Defendants

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Civil Action No: 2:07-cv-00001-WKW

(JURY DEMAND)

JOINT MOTION FOR COURT-ANNEXED MEDIATION

COME NOW the PARTIES, jointly by and through undersigned counsel, and submit this request to the Court for assignment of the case for Mediation. The parties respectfully request that the mediation of the case be assigned to a Magistrate Judge who has not been involved in any prior disputes between or among the parties in this case.

There are currently two cases pending in the United States District Court for the Middle District of Alabama involving these parties. In addition to the above referenced case, Michael Hardy v. J. Walter Wood, Jr., case number **02:08-CV-15 MHT**, is pending. These actions involve common questions of fact. Michael Hardy is represented by different counsel in each case. The cases present the possibility of inconsistent results. It will be difficult or impossible to settle one action without a settlement of the both. The undersigned counsel therefore request an order that all parties in both pending actions appear with their respective counsel.

Respectfully submitted this 20th day of June 2008.

/s/ JIMMY JACOBS

JIMMY JACOBS (JAC051)

Attorney for Plaintiff

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s/ T. Dudley Perry Jr.

T. Dudley Perry, Jr.

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General Counsel

Alabama Department of Youth Services

Attorney for the Defendants

s/JAMES ELDON WILSON

James Eldon Wilson (WILO79)

Deputy Attorney General

Attorney for Michael J. Hardy